

NOTICE OF EMERGENCY RULE REPEAL AND PROMULGATION

AGENCY: Department of Marine Resources

STATUTORY AUTHORITY: 12 M.R.S.A. Sections 6172 and 6192

RULE REPEAL AND PROMULGATION: DMR Regulation 95.09 OO, Closed Area 58-F, The Haul-up, South Bay, West Lubec, promulgated on August 20, 1990, is repealed and replaced with the following rule:

TEXT OF RULE: DMR Regulation 95.09 OO, Closed Area No. 58-F, The Haul-up, South Bay, West Lubec

Effective immediately, because of pollution, it shall be unlawful to dig, take or possess any clams, quahogs, oysters or mussels taken from the shores, flats and waters of South Bay, West Lubec, inside and westerly of a line beginning at a red painted post, on the western mouth of an un-named cove, three-quarters of a mile west of Split Hill, Rt 189; and extending northwesterly to a red painted post, on the nearest opposite shore, approximately 800 yards east of the Haul-up (so called), Lead Mine Road, West Lubec.

Violation of any provision of this regulation shall be a Class D Crime (12 M.R.S.A. Section 6204).

EFFECTIVE DATE: February 2, 1999

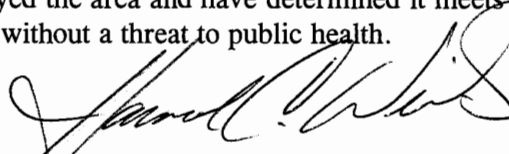
AGENCY CONTACT PERSON: Paul S. Anderson
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West Boothbay Harbor, Maine 04575

Bangor Daily News
February 6, 1999

STATEMENT OF FACT AND POLICY

The Commissioner of the Maine Department of Marine Resources repeals the emergency DMR Regulation 95.09 OO, Closed Area No. 58-F, The Haul-up, South Bay, West Lubec, promulgated on August 20, 1990 and enacts a new regulation. The new closure regulation involves only the southernmost portion of South Bay. In the newly opened and approved area, harvesting of clams and oysters are allowed. Due to Closure 64E for marine biotoxin, mussels (*Mytilus edulis*), may be harvested in this area between October 1 and May 1; and Closure 64B prohibits the harvesting of ocean quahogs (*Arctica islandica*) year round.

Department personnel have sampled and surveyed the area and have determined it meets the criteria required for open and approved harvest of shellfish (with exceptions) without a threat to public health.



HAROLD C. WINTERS, ADMINISTRATIVE OFFICER FOR
GEORGE LAPOINTE, COMMISSIONER
AS AUTHORIZED BY 12 MRSA SECTION 6023



Department of Marine Resources

Legal Notice of Shellfish Closure Area C58F The Haul-up, South Bay, West Lubec.

